

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:18-CR-55-D


UNITED STATES OF AMERICA,)
)
 v.)
)
 DARRICK LAMORRIS MCKENZIE,)
)
 Defendant.)

ORDER

On August 10, 2021, Darrick Lamorris McKenzie (“McKenzie” or “defendant”) filed a motion for extension of time to file a motion under 28 U.S.C. § 2255 [D.E. 73]. On August 23, 2021, this court ordered the government to respond to the motion not later than September 17, 2021 [D.E. 74]. On September 16, 2021, the government responded in opposition to the motion [D.E. 76]. In its response, the government properly notes that the Fourth Circuit affirmed defendant’s judgment on February 13, 2020, and his judgment became final on May 13, 2020. See [D.E. 76] 2. Accordingly, McKenzie had until May 13, 2021, to file a timely section 2255 motion. See id. The government also states that defendant’s motion for an extension of time is not timely and he has not raised potential grounds for relief under section 2255. Id. at 3. Thus, according to the government, the court lacks jurisdiction to consider the untimely motion. Id. (collecting cases). On September 29, 2021, defendant supplemented his motion [D.E. 78].

The court agrees with the government. McKenzie’s motions to extend time to file a section 2255 motion [D.E. 73, 78] are DISMISSED.

SO ORDERED. This 15 day of October, 2021.


JAMES C. DEVER III
United States District Judge